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18 Corp.

18 UNITED STATES DISTRICT COURT
19
20 DISTRICT OF NEVADA

21 ORACLE USA, INC., a Colorado corporation;
22 ORACLE AMERICA, INC., a Delaware
23 corporation; and ORACLE INTERNATIONAL
24 CORPORATION, a California corporation,

25 Plaintiffs,
26 v.

27 RIMINI STREET, INC., a Nevada corporation;
28 SETH RAVIN, an individual,

26 Defendants.

27 Pursuant to the Stipulated Protective Order governing confidentiality of documents
28 entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), and Rules 5.2 and

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Case No 2:10-cv-0106-LRH-VCF
**ORACLE’S MOTION TO SEAL
PORTIONS OF ORACLE’S
RENEWED MOTION FOR
ATTORNEYS’ FEES**

1 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc.,
 2 and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court
 3 order the Clerk of the Court to file under seal certain portions of Oracle’s Renewed Motion for
 4 Attorneys’ Fees (“Motion”). These portions of Oracle’s Motion reflect information that Oracle,
 5 Rimini Street, Inc. (“Rimini”) or a third party has designated “Confidential” or “Highly
 6 Confidential - Attorneys’ Eyes Only” under the Protective Order. A public, redacted version of
 7 Oracle’s Motion was filed on March 26, 2018, *see* ECF No. 1118, and an unredacted version was
 8 subsequently filed under seal with the Court, *see* ECF No. 1120.

9 The Protective Order states, “Counsel for any Designating Party may designate any
 10 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –
 11 Attorneys’ Eyes Only’ under the terms of this Protective Order *only if such counsel in good
 12 faith believes that such Discovery Material contains such information and is subject to
 13 protection under Federal Rule of Civil Procedure 26(c)*. The designation by any Designating
 14 Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential
 15 Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the
 16 Designating Party reasonably believes there is a valid basis for such designation.” Protective
 17 Order ¶ 2 (emphasis supplied).

18 **DOCUMENTS DESIGNATED BY ORACLE AS CONFIDENTIAL**

19 Oracle has designated certain portions of Oracle’s Motion that reflect the information
 20 contained in confidential exhibits as Confidential.

21 The “Confidential” designation indicates that, in Oracle’s best judgment, the documents
 22 contains “non-public information or matter related to: financial or business plans or projections;
 23 . . . current or future business and marketing information, plans, and strategies; studies or
 24 analyses by internal or outside experts; customer information, data or lists; . . . competitive
 25 analyses; . . . or other commercially or personally sensitive or proprietary information.”
 26 Protective Order ¶ 3. In particular, portions of Oracle’s Motion contain confidential competitive
 27 information of negotiated billing practices between Oracle and its attorneys. Further, the
 28 documents reveal the details of Oracle’s relationships with these companies, and the terms of

1 their agreements, which are also negotiated. These negotiated billing agreement terms are
 2 commercially sensitive and should not be publically disclosed insofar as any such disclosure
 3 would create a competitive disadvantage. *Apple Inc. v. Samsung Electronics Co., Ltd.*, 727 F.3d
 4 1214, 1221 (Fed. Cir. 2013) (“One factor that weighs in favor of sealing documents is when the
 5 release of the documents will cause competitive harm to a business.”). Further, the Court has
 6 previously granted Oracle’s Motion to Seal regarding the same confidential information. *See*
 7 Dkt. 940.

8 Disclosure of this confidential information could interfere with Oracle’s current or future
 9 business relationships or plans. Thus, there is a compelling interest for this information to be
 10 sealed.

11 **DOCUMENTS DESIGNATED BY RIMINI OR A THIRD PARTY AS**
 12 **CONFIDENTIAL OR HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY**

13 Rimini has designated the following documents cited or referred to in Oracle’s Motion as
 14 Highly Confidential - Attorneys’ Eyes Only (“HC”):

| 15 | 16 Ex. | 16 Description | 15 Designation |
|----|------------------------|--|-----------------------|
| 17 | ECF No. 923, Ex. 21 | (Ravin 7/21/2010 Dep.) 303:9-23, 306:3-13, 307:4-12, 307:13-308:13, 321:17-23, 325:20-326:9 | HC by Rimini |

18 Oracle submits these documents under seal pursuant to the Protective Order based on
 19 Rimini’s or the third party’s representation that it reasonably believes there is a valid basis under
 20 the Protective Order for its confidentiality designations. Because the documents were designated
 21 by Rimini or a third party, Oracle is not in a position to provide further justification for why
 22 filing them publicly would cause Rimini or the third party harm sufficient to show good cause.

23 Oracle has submitted all other portions of Oracle’s Motion to the Court’s public files,
 24 which allow public access to all materials except for the items discussed above. Accordingly,
 25 the request to seal is narrowly tailored. For the foregoing reasons, Oracle respectfully requests
 26 that the Court grant leave to file under seal the documents discussed above.

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28

1 DATED: March 26, 2018

MORGAN, LEWIS & BOCKIUS LLP

2 By: /s/ Thomas S. Hixson
3 Thomas S. Hixson
4 Attorneys for Plaintiffs
5 Oracle USA, Inc.,
Oracle America, Inc.,
and Oracle International Corp.

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CERTIFICATE OF SERVICE

2 I certify that on March 26, 2018, I electronically transmitted the foregoing ORACLE'S
3 RENEWED MOTION FOR ATTORNEYS' FEES to the Clerk's Office using the Electronic
4 Filing System pursuant to Special Order No. 109.

5 Dated: March 26, 2018 Morgan, Lewis & Bockius LLP

Morgan, Lewis & Bockius LLP

By: _____ /s/ *Thomas Hixson*
Thomas Hixson

Attorneys for Plaintiffs
Oracle USA, Inc.,
Oracle America, Inc. and
Oracle International Corporation